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C O N F I D E N T I A L SECTION 01 OF 02 QUITO 000842

SIPDIS

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TAGS: [PGOV](#) [ASEC](#) [EC](#)

SUBJECT: ECUADOR: PRESIDENT ENDS STATE OF EMERGENCY

REF: QUITO 840

Classified By: Ambassador Kristie A. Kenney. Reason 1.4 (b&d).

[11.](#) (C) Summary: President Lucio Gutierrez revoked the state of emergency declared on April 15 the following day. Anti-government citizen protests continued after the lifting of the emergency, though generally peacefully. The political situation here remains fluid--a special session of Congress will take place this afternoon, but is unlikely to achieve common ground. Police and military acted with restraint during the state of emergency, and no violence or suspension of civil rights has been reported. Ongoing intensive and coordinated USG actions are focused on contributing to peaceful resolution of political conflict.

State of Emergency Lifted

[12.](#) (U) In the face of universal condemnation of his April 15 state of emergency declaration for Quito and surrounding Pichincha province, President Gutierrez on April 16 lifted the state of emergency in Quito. In doing so, at approximately 1700, Gutierrez said his action was in recognition of the progressive return of tranquility in the country. He also said the action was in response to a request from the President of Congress, who had convoked a special session of Congress for April 17. The agenda for the session would be legislative action to vacate the current Supreme Court (already dismissed by Gutierrez' April 15 decree) and to begin debate on the President's proposed reforms to the Judiciary Law, which would determine how to select a replacement court. Gutierrez also thanked the Ecuadorian people for their understanding, called for unity and calm, and called on Ecuadorians to seek solutions to Ecuador's problems in the spirit of brotherhood.

Reaction

[13.](#) (U) The opposition appeared more emboldened than mollified by Gutierrez' about-face on the state of emergency. PSC leader Leon Febres-Cordero exhorted citizens to continue protests calling for Gutierrez' resignation. Guayaquil mayor Jaime Nebot convoked a mobile demonstration in defense of democracy and for a return to rule of law in Guayaquil and surrounding provinces for April 18. Forty-eight opposition Congress members forcibly crossed police lines to enter Congress on April 16, but could not initiate a special session for lack of a quorum. After another false start on April 17, opposition legislators announced that they would instead participate in the special session convoked by Quintana later that day. The Church issued a statement criticizing the government's actions, warning that "mistakes and violations cannot be corrected with more of the same." Effects on the Street

[14.](#) (U) The lifting of the state of emergency in Quito will have little noticeable effect because few provisions of the state of emergency decree were actually implemented. There were no reports of arrests or suspension of civil rights. Freedom of expression was not abridged, and the government did not move against the anti-government radio station (Radio Luna) of dubious provenance which has been exhorting citizens into the streets and setting the agenda for ongoing protests. There was no visible military presence in the city except in the vicinity of the national palace and on transport arteries along the periphery of the city. Even the police presence in the capital was limited during the emergency and police acted with restraint in the face of peaceful protests.

[15.](#) (U) After the lifting of the emergency, peaceful protests (8,000 in one location, 3-4,000 in another) continued into the evening of April 16. EmbOffs observed the main celebratory protest, noting that participants were initially predominantly middle class families making noise together and showing support by draping their cars in toilet paper (the protest gimmick of the day). Opposition political figures did not participate, knowing they were not welcome at this non-partisan event. After midnight, however, a smaller group of approximately 3,000 converged on the heavily-guarded presidential palace. Police obstructed their progress using tear gas.

US Mission Actions

16. (U) As a precautionary measure, RSO restricted mission personnel to their homes on the evening of April 16, and extended the measure on April 17. There were few inquiries from AmCits during the state of emergency and no untoward incidents were reported. Elsewhere, Peace Corps volunteers remained in their villages, also reporting no incidents and little echo of the political turbulence at the village level. Anti-government protests did reportedly take place in several cities outside the capital, again without incident.

17. (C) Mission outreach during the state of emergency was extensive and coordinated by the country team. The Ambassador spoke with President Gutierrez (RefTel), and Minister of Finance Yopez (who was in Washington at the time). CONS issued a warden message, quelling AmCit concerns by reducing uncertainty. PAS issued a statement early on April 16 signaling USG concern and calling for dialogue, which was well received. MILGRP and DAO were in constant contact with the armed forces leadership, monitoring signs of internal dissent and effectively urging restraint. POL monitored evolving attitudes of the opposition and ECON reached out to government economic officials and the private sector. The Am-Cham issued a helpful call reinforcing the Embassy's call for dialogue.

18. (C) US officials in Washington and Miami contributed significantly to USG outreach efforts, with Department officials expressing strong USG concern to the Ecuadorian Embassy. SOUTHCOM commander Gen. Craddock urged restraint on the Ecuadorian armed forces in a call to Ecuadorian Joint Chief VADM Victor Rosero, reinforcing mission actions here.

Next Steps

19. (C) The Ambassador will breakfast with President Gutierrez on April 18. She will emphasize USG concern that the state of emergency damaged the government's credibility and is not an appropriate substitute for real dialogue, and strongly warn the president that any move to dissolve Congress would be unacceptable. Progress to resolve the court issue will require greater efforts to find common ground with an increasingly emboldened opposition. The Ambassador will also meet later the same day with Joint Chief Rosero, to reinforce the military's restrained and professional behavior during the emergency. With rumors that Army Chief Luis Aguas opposed the measure, she will also use the occasion to gauge whether internal dissent remains an issue in the Army.

Comment: Prospects for Peace

10. (C) Many here see the hand of ex-president Bucaram behind the state of emergency decree; few believe Gutierrez would risk dissolving the Supreme Court without a prior accord with Bucaram. Gutierrez' lifting of the emergency in conjunction with the re-opening of debate on the court issue in Congress would have been coordinated with Bucaram, through his henchman Congress President Quintana. The government's current dependence on Bucaram for its political survival is worrisome, especially given that Bucaram recently called publicly for the dissolution of Congress, if necessary, to prevent the opposition from hi-jacking the president's agenda.

11. (C) We are convinced that the real issue in play between Bucaram, Gutierrez and the opposition is not the exalted independence of the courts but rather the permanence of the controversial decision permitting Bucaram to return. It appears Gutierrez and Bucaram now have an agreement on how to dump the discredited court, essential to ensure this government's survival, without reversing its decisions. Passing that into law, however, requires cooperation of some segment of the opposition, which after the state of emergency appears unified (with the exception of Alvaro Noboa's PRIAN) in seeking to bring Gutierrez down.

12. (C) The situation here remains fluid, given the level of polarization and animosity on both sides. With the state of emergency lifted, our efforts must now focus on contributing to political stability by preventing the government from further missteps (esp. any move against Congress) and encouraging both sides toward dialogue and compromise. To succeed will require renewed efforts here and continued engagement from Washington.

KENNEY